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Attorneys for Defendant Jason Cyrulnik

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROCHE CYRULNIK FREEDMAN LLP,

Plaintiff,

v.

JASON CYRULNIK,

Defendant.

Civil Action No.
21-cv-01746 (JGK)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the accompanying Declaration of Marc E. Kasowitz, Esq., dated June 11, 2021, and upon all papers and proceedings herein, defendant Jason Cyrulnik, by and through his undersigned counsel, hereby moves this Court, before the Honorable John G. Koeltl, at the United States Courthouse for the Southern District of New York, 500 Pearl St., Courtroom 14A, New York, New York 10007, as soon as counsel may be heard, for an order (i) dismissing Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1), under the Declaratory Judgment Act, 28 U.S.C. § 2201, *et. seq.*, and the abstention doctrines articulated in *Wilton v. Seven Falls Company*, 515 U.S. 277 (1995), *Burford v. Sun Oil Company*, 319 U.S. 315 (1943), and *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976); and (ii) granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
June 11, 2021

Respectfully submitted,

KASOWITZ BENSON TORRES LLP

By: /s/ Marc E. Kasowitz

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